SUPPLEMENTAL RESPONSE

I. Response Filed October 09, 2006

Other than the foregoing amendments to the specification and the following remarks regarding support in the specification as filed, the response to the first Official Action submitted via first class mail on October 09, 2006 should be entered and considered in its entirety.

The following sections of the response filed October 09, 2006 thus remain unchanged: status of the claims; claims free from rejection and response summary; response to rejection under 35 U.S.C. § 112, second paragraph; response to enablement rejection under 35 U.S.C. § 112, first paragraph, with Thorpe declaration; response to anticipation rejection under 35 U.S.C. § 102(b); and response to provisional obviousness-type double patenting rejections, with terminal disclaimer.

II. Support for the Claims

Support for the revised and new claims submitted in the response filed October 09, 2006 exists throughout the specification and claims of the original and parent applications. Particular support exists as follows.

Claim 1 has been revised to define the claimed antibody as a "monoclonal" antibody. This was originally recited in claim 12, which provides the required support, in addition to allowed claim 98 and throughout the specification.

Claims 9-11 have each been revised to replace the succinct reference to Table 3 and/or Table 4 with the pertinent text from such tables. Table 3 and/or Table 4 in the specification thus provide the required support, in addition to throughout the specification.

Claim 12 has been revised to define the claimed antibody as "an IgM antibody". This is supported throughout the specification, *e.g.*, first at page 15, line 22.

Claims 93, 94, 96 and 97 have each been revised to define the claimed antibody as a "monoclonal" antibody, as set forth above for claim 1. Support exists in original claim 12 and allowed claim 98, in addition to throughout the specification.

New dependent claims 100, 108, 113 and 118 further define the recited antibody as binding to phosphatidylserine in combination with a protein cofactor. This is an inherent feature of the 3G4 antibody, deposited before the priority date, and is supported throughout the original and amended specification.

New dependent claims 101, 103, 109, 114 and 119 refer to the ELISA of Example IV-D in the specification (pages 218-219), and are supported thereby. Additional support also exists throughout the specification, *e.g.*, at least at page 129, lines 13-14 (solid support) and page 139, lines 25-26 (secondary antibody). The use of a blocking buffer that comprises 10% bovine serum, as in dependent claims 102, 104, 110, 115 and 120, is supported by Example IV-D, particularly at page 218, line 17.

New claims 105 and 106, in dependent and independent form respectively, recite a composition in which the antibody is the deposited 3G4 antibody, as supported by claim 1 and throughout the specification and claims as filed.

New claim 107 is an independent claim based upon allowable claim 18, and is supported thereby.

New claims 111 and 112, in dependent and independent form respectively, recite a pharmaceutical composition in which the antibody is the deposited 3G4 antibody, as supported by claims 1 and 96 and throughout the specification and claims as filed.

New claims 116 and 117, in dependent and independent form respectively, recite that the purified antibody is the deposited 3G4 antibody, as supported by claims 1 and 97 and throughout the specification and claims as filed.

New claim 121 further defines the recited hybridoma as producing the deposited 3G4 antibody, as supported by claims 1 and 98 and throughout the specification and claims as filed.

Finally, new claim 122 reflects the text of claim 1 prior to the present amendment, and is supported thereby.

It will therefore be understood that no new matter was included within any of the amended or new claims submitted in the response filed October 09, 2006.

III. Corrected Amendments to the Specification

The amendments to the specification submitted in the response filed October 09, 2006 inadvertently referred to the specification of related applications filed on August 15, 2003 (*e.g.*, application Serial Nos. 10/642,120, 10/642,060, 10/642,124, 10/642,122 and 10/642,118). However, the present application was filed on July 15, 2003. Accordingly, the October 09 amendments to the specification cannot be entered as the amendments do not match the pages of the present specification. The present amendments correct this oversight, and can thus be entered.

The nature of the amendments themselves has not changed, only the precise location of the paragraphs in the specification. As detailed in the October 09 response, the amendments have already been approved by the Office.

The present supplemental paper is being diligently filed after the oversight in the October 09 response was noticed. The present amendments are thus timely filed, proper and should be entered. No additional fees should be required in connection with this supplemental response. However, any small entity fees deemed necessary for any reason relating to the present document should be deducted from Peregrine Pharmaceuticals, Inc. Deposit Account No. 50-3493/4001.003000.

IV. New Amendments to the Specification

In addition to the amendments to the specification submitted in the October 09 response, and perfected hereby, it has recently come to Applicants' attention that the specification contains certain incorrect paragraphs regarding the relationship between the variable region sequences of the 3G4 antibody, deposited before the priority date, and the CDR sequences contained within the variable regions. This came to light in co-pending application Serial No. 10/642,118 ("the '118 application"), one of the related applications filed August 15, 2003, which claims priority to the present application. These oversights are now also corrected in the foregoing amendments to the specification.

In the '118 application, Examiner Goddard noted that SEQ ID NO:2 and SEQ ID NO:4 (the variable regions of the heavy and light chains, respectively) each comprise their three respective CDRs, pointing to the specification of the '118 application at pages 308-309. This is also set forth at other sections of each specification, which teach that SEQ ID NOs:1, 2, 3 and 4 are the DNA and amino acid sequences of the Vh and Vκ chains of the 3G4 antibody and encompass CDR1-3 of the variable regions of the heavy and light chains (specification in the '118 application at page 18, lines 4-13; page 83, lines 14-19; page 84, lines 9-14; corresponding

sections in the present specification at page 17, lines 10-16; page 68, lines 13-18; page 69, lines 6-12; emphases added).

As the Office indicated in the '118 application, the specification clearly teaches the correct relationship between the variable region and CDR sequences. Accordingly, Applicants take the opportunity to correct the inconsistent paragraphs in the specification, which are now revised by foregoing amendment. These amendments to the specification are supported throughout the application as filed, including in the text and by deposit of the 3G4 antibody before the priority date (see also, first Official Action in the '118 application at pages 3-4). Exemplary support in the present specification resides in the general description of CDRs at pages 67-70 and the references incorporated therein by reference, particularly from page 67, line 15 to page 68, line 24 and Kabat *et al.*, "Sequences of Proteins of Immunological Interest" 5th Ed. Public Health Service, National Institutes of Health, Bethesda, MD, pp 647-669, 1991; in the particular description of the CDR sequences of the 3G4 antibody in Example XIX (pages 279-282), FIG. 18A, FIG. 18B, SEQ ID NO:2 and SEQ ID NO:4; and in the relationship between the general CDR description and the specific data and teaching regarding the deposited 3G4 antibody (see also, '118 application at pages 82-85, particularly page 82, line 15 to page 83, line 25, Kabat *et al.*, 1991; and Example XIX at pages 308-310).

V. Conclusion

In conclusion, the present amendments to the specification are proper and should be entered. Applicants submit that, in light of the response filed October 09, 2006 and the accompanying documents, the present application is in condition for allowance and such

favorable action is respectfully requested. Should Examiner Goddard have any questions or comments, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

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